

Report

Documentation Of Ideas And Strategies Discussed At A Workshop Held In Bagamoyo In The Operationalization The CBC Aspects Of Wildlife Policy

January 1999

Task Order No. 12
Contract No. PCE-I-00-96-00002-00

Report

Documentation of Ideas and Strategies discussed at a Workshop held in Bagamoyo in the operationalization the CBC aspects of Wildlife Policy

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EPIQ/Tanzania and the Institute of Resource Assessment (IRA)

January 1999

For
United States Agency for International Development/Tanzania

Environmental Policy and Institutional Strengthening Indefinite Quantity Contract (EPIQ)

Partners: International Resources Group, Winrock International,
and Harvard Institute for International Development

Subcontractors: PADCO; Management Systems International; and Development Alternatives, Inc.

Collaborating Institutions: Center for Naval Analysis Corporation; Conservation International; KNB Engineering and Applied Sciences, Inc.; Keller-Bliesner Engineering; Resource Management International, Inc.; Tellus Institute; Urban Institute; and World Resources Institute.

Table of Contents

ACKNOWLEDGEMENT.....	III
1. INTRODUCTION.....	1
1.1 Background.....	1
1.2 Objectives	1
1.3 The Process.....	2
1.4 Group Discussions.....	2
1.5 Group Presentations.....	3
1.6 Closing Session	3
1.7 Outstanding Issues.....	4
2. SUMMARY OF PAPERS PRESENTED.....	5
3. SYNTHESIS OF DISCUSSIONS FOLLOWING PAPER PRESENTATIONS	9
Paper by S. Metcalf on “Community Based Conservation Experiences in Southern Africa”	9
Paper by M. Zacharia on “Community Conservation and the Wildlife Policy”	9
Paper by I. Ndunguru on “Wildlife Protected Areas and Implementation of Community Based Conservation in Tanzania”.	10
Paper by Dr. F. Kilahahama on “Experiences of Local Community Participation in Community Conservation from the Forestry Sector in Tanzania”	12
Paper by Prof. A. S. Kauzeni on “Experiences in Community Conservation in Protected areas: The case of NCAA”.	12
Paper by Mr. I. Juma on Law as a Basis of Wildlife Management Policy in Tanzania.	13
4. GROUP PRESENTATIONS AND DISCUSSIONS	15
Group No. 1 Twiga Group.....	15
Group No. 2 Kifaru Group	16
Group No. 3 Mninga Group	17
Group No. 4 Chui Group	17
5. HIGHLIGHTS FROM DISCUSSIONS OF GROUP PRESENTATIONS	20
Twiga Group: Policy and Operationalization Issues	20
Kifaru Group: Institutional and Legal Issues	21
Mninga Group: The Role of International Organizations in Relation to Wildlife, Resources and Community Participation	21
Chui Group Social Issues and The Role of Private Sector and Local Communities in CBC	22

6. THE MAIN FOLLOW-UP ISSUES IN OPERATIONALIZING CBC IN THE WILDLIFE POLICY	23
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APPENDICES	ERROR! BOOKMARK NOT DEFINED.
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APPENDIX 1: OPENING SPEECH.....	1
APPENDIX 2: CLOSING SPEECH.....	1
APPENDIX 3: PROGRAM	1
APPENDIX 4: LIST OF ROUNDTABLE PARTICIPANTS	1

Acknowledgement

The contents of this report of the Bagamoyo Roundtable on Wildlife Policy and Community Based Conservation (CBC) are the results of the discussions and deliberations that took place there, between 25-26 January 1999. We are grateful to all the participants who took valuable time to attend and contribute constructively to the roundtable discussions. We are especially grateful to Mr. F. Ndunguru and Ms. M. Zacharia of the Wildlife Division for their willingness to share with other participants their experiences and insights relating to the New Wildlife Policy and CBC. We appreciate their taking time to go through the final draft of this report and for their suggestions.

Many thanks to all those who presented papers and the discussants who made valuable criticisms during and after the formal discussions. We hope that the highlights and follow-up issues will serve as a basis for further dialogue and action among various stakeholders.

Special thanks to Professor Douglas Southgate for providing timely assistance in recording and drafting the report.

Last, thanks to EPIQ-TZ, its staff and USAID for their support in making the Roundtable possible and successful.

ROUNDTABLE DISCUSSION ON WILDLIFE POLICY (1998) AND COMMUNITY BASED CONSERVATION BAGAMOYO, TANZANIA 25-26 JANUARY 1999

1. Introduction

1.1 Background

The Institute of Resource Assessment (IRA) of the University of Dar es Salaam in partnership with the U.S. Agency for International Development (USAID) project, Environmental Policy and Institutional Strengthening IQC (EPIQ), organized a two-day roundtable discussion of policy issues related to community-based conservation (CBC). The Wildlife Division (WD) of the Wildlife of the Ministry of Natural Resources and Tourism (MNR&T) presented the CBC aspects in the new Wildlife Policy of Tanzania - WPT (1998) and this was the primary catalyst for the event. During the roundtable, forestry, tourism, land use and tenure issues were all addressed. Before the roundtable, there had been no comparable opportunity for stakeholders, both inside and outside of government, to engage in an open discussion of the WPT. Accordingly, it was the focus of the majority of presentations and most of the participants' comments and observations.

Three IRA members – Dr. H. Sosovele, Dr. F.C. Shechambo, and Dr. G. Jambiya, – took the lead in organizing the roundtable. Professor A.S. Kauzeni (of IRA) served as the roundtable facilitator. In addition to providing financial assistance and sending three members of its staff, EPIQ invited two participants from outside of Tanzania: Simon Metcalfe, a CBC specialist from Zimbabwe, and Douglas Southgate, a professor of environmental and natural resource economics at Ohio State University. In all, thirty professionals took part in the roundtable, which was held in Bagamoyo, a small coastal town approximately 70 kilometers north of Dar es Salaam. Among the participants were representatives of the MNR&T's Wildlife Division (WD) and other government agencies, local communities, academia, the private sector, non-governmental organizations (NGOs), and the press (see Appendix 5).

1.2 Objectives

The main objective of the roundtable was to bring together experts to deliberate on the new Wildlife Policy of Tanzania (WPT), with a view to collate ideas and strategies that will especially help in the operationalization of the community based conservation

aspects of the policy. A secondary objective was to create a network of interested parties who would continue to deliberate on various aspects of the wildlife policy and other sectoral policies that have a bearing on sustainable utilization of natural resources. It was expected that at the end a set of achievable objectives that need to be addressed soon would be suggested.

1.3 The Process

The actual roundtable was preceded by a series of consultations to generate interest and raise awareness amongst stakeholders on the need for a roundtable discussion. The roundtable discussions were interactive, critical and open with the view of finding better ways of operationalising the WPT. The individual experiences of the wide range of expertise were consulted and six keynote papers were presented. The papers are summarized in section 2 of this report. These papers formed the basis around which the WPT was critically discussed during the presentations. Keynote papers were followed by focused group discussions, presentations from the groups and discussions, and a synthesis of important issues.

Having arrived in Bagamoyo the previous evening, the participants registered on the morning of January 25th and gathered for the inaugural session. After everyone had introduced himself or herself, Dr. Shechambo, in his welcoming remarks, explained that a major purpose of the roundtable was to share ideas about putting the new Wildlife Policy of Tanzania, with its emphasis on CBC, in operation.

The Bagamoyo District Commissioner Mr. Philemon Shelutete officially opened the proceedings. He took special note of the challenge of moving from the traditional approach to wildlife management, which have been employed in Tanzania and many other countries and which stresses policing to newer and more innovative approaches. The District Commissioner applauded the MNR&T for the WPT and related initiatives in tourism and other sectors that involve local populations in natural resource management

1.4 Group Discussions

With all presentations concluded, Dr. Jambiya provided directions for the next stage of the roundtable. Everyone was assigned to one of four groups:

Twiga, which was to discuss policy and operationalization issues;

Kifaru, which was assigned to examine institutional and legal topics;

Mninga, which was requested to discuss the role of international organizations in relation to wildlife resources and community participation; and

Chui, which was to discuss social issues and the role of the private sector and local communities in CBC.

A set of specific questions prepared by the IRA roundtable organizers was given to each of the four groups, which met for approximately two hours in the late afternoon. The first

day of the roundtable concluded with a cocktail reception during the evening sponsored by the IRA; the District Commissioner was the guest of honor. Each of the working groups resumed their work the next morning. After two hours of meetings, responses to the questions had been prepared.

1.5 Group Presentations

Shortly after 10:00 on Tuesday morning, January 26th, a plenary session was convened to hear from individual groups and to discuss their findings. Discussions, which followed each group presentation were honest, critical and raised important issues that are likely to affect the implementation of the WPT, and specifically CBC programmes. However, it was clear from the discussions that, further dialogue among various stakeholders was needed.

1.6 Closing Session

Immediately after the four groups had made their presentations and everyone had been given an opportunity to comment on their work, Dr. Shechambo and Dr. Sosovele opened the final session. Expressing appreciation to EPIQ for its support, the two IRA members thanked the participants, especially members of the Wildlife Division (WD) professional staff, for their candid discussions regarding issues concerning the operationalization of the WPT. They also reminded the group that a major purpose of the roundtable was to be acquainted with and to assess the WPT. Dr. Shechambo and Dr. Sosovele stressed that the meeting should be regarded as the initiation of a process of dialogue and debate about how to put the WPT in operation. In addition, they made it clear that CBC and the policy and institutional issues it raises are applicable to a variety of sectors.

Speaking on behalf of the participants, Dr. Hamisi Dihenga of Sokoine University of Agriculture (SUA) thanked the roundtable organizers and sponsors for the opportunity to engage in discussions of vital importance. He expressed special appreciation for the logistical arrangements required to make the event run smoothly, the experts who had been brought in from outside Tanzania to lend an international perspective, and the chairman's efforts. Congratulating the WD for its WPT, Dr. Dihenga urged that dialogue and discussion continue and that international donors support this vital aspect of policy implementation.

The facilitator then rose to introduce the last speaker, Dr. E.K. Shishira, the Director of the IRA. Professor Kauzeni praised the roundtable participants for being industrious and patient, for their excellent attendance and promptness, and for their excellent contributions. Dr. Shishira, who also took special note of the benefits, not least the roundtable itself, of the partnership between IRA and EPIQ, expressed similar appreciation. As had other speakers in the closing session, he commented very favorably on the WD for its being willing to educate stakeholders from outside the agency while simultaneously being open to criticism. With these remarks and thanks expressed for USAID funding, Dr. Shishira adjourned the roundtable discussions on WPT.

1.7 Outstanding Issues

As was emphasized in the closing session, a number of issues were raised during the roundtable that will have to be faced and resolved as implementation of the WPT and related initiatives in other sectors proceed. A list of these issues is presented in section 6 of this report.

2. Summary of Papers Presented

There were six keynote papers. Mr. Simon Metcalfe presented the first paper. Drawing on his many years of experience in Southern Africa, Mr. Metcalfe summarized the history and status of CBC initiatives in Botswana, Namibia, Zambia, and Zimbabwe. He observed as had the District Commissioner, that traditional resource management is elitist and a legacy of colonial rule. Throughout the region, the conclusion has been reached that state ownership and administration of environmental wealth – “fortress conservation,” as Mr. Metcalfe put it – is inefficient, yields inequitable results, and, in the end, is difficult to sustain. The hypothesis, or vision, guiding the alternative approach, which is now being pursued in one form or another in each of the four countries, has two main features. First, a community must benefit directly from the use of a resource if it is to manage the resource sustainably. Second, the benefits of sustainable use must exceed the costs of management and must be secure over time.

In his paper, Mr. Metcalfe highlights five conditions, originally identified by Dr. Marshall Murphree (Professor Emeritus, Center for Applied Social Sciences, University of Zimbabwe), that favor the realization of the CBC vision. The first three have to do with the economics of sustainable resource use and the fourth and fifth relate to the viability of community property regimes.

Effective natural resource management is best achieved by giving resources a focused value, so that the community involved can determine whether the benefits of management exceed the costs.

Differential inputs must result in differential benefits, in order for communities living with the resource, and therefore bearing most of its costs, to have an incentive to invest in management.

There must be a positive correlation between management quality and the magnitude of derived benefits, again to reward management.

The unit of proprietorship (i.e., who decides) should be the same as the unit of production, management, and benefit.

The unit of proprietorship should be as small as practicable, within ecological and socio-political constraints, since smaller groups find it easier to make collective decisions than to large, anonymous institutions.

Mr. Metcalfe advocates working toward the establishment of the five preceding conditions for the realization of the CBC vision. Satisfying them makes it much easier to resolve issues relating to horizontal coordination (e.g., among communities with a common interest in a wildlife population) and vertical coordination (e.g., between local organizations and regional and national institutions).

That said, it has to be conceded that nowhere in Southern Africa is a policy and institutional regime fully conducive to sustainable CBC securely in place. During the remainder of Mr. Metcalfe's presentation and in the discussion that followed, it became clear that, more than anything else, disputes over resource ownership remain a serious impediment to the sustainable development by rural peoples of the resources that surround them.

The next speaker also employed the comparative approach taken in Mr. Metcalfe's presentation to good effect: Miriam Zacharia of the WD. She began by describing three conservation paradigms: the classic (or traditional), the populist (which proceeds from the assumption that local communities have an intrinsic affinity for managing resources collectively and sustainably), and the neo-liberal (which treats individuals as economically rational actors that respond to market incentives). The WPT, Ms. Zacharia pointed out, represents a significant departure from the classic paradigm. Major stress currently is being placed on community participation.

She observed as well that community involvement in natural resource management takes various forms. Ms Zacharia offered a typology of participation ranging from the passive (in which people are simply dictated to by higher authorities applying the classic approach) to self-mobilization (in which people take resource management initiatives independently of external institutions). In the rest of her presentation, she examined where CBC in Tanzania stands between these two extremes. Her remarks provoked a lively series of questions and answers.

I.F. Ndunguru, also of the WD, made the third keynote speech. After briefly reviewing the responsibilities of Tanzania National Parks (TANAPA) and the Ngorongoro Conservation Area (NCA) as well as those of his own agency, he observed that linkages among these and other MNR&T dependencies are not what they should be. Mr. Ndunguru mentioned in passing the on-going institutional transformation within WD. It was clear that some form of institutional amalgamation would be desirable. However, there is a dire need for improved coordination and communication that should be addressed in any future reorganization.

Most of Mr. Ndunguru's talk had to do with a new official category of lands use – the wildlife management areas (WMAs) that will be the geographic focus of CBC. He pointed out that implementation of this new approach to participatory resource management involves a series of actions, including the gathering of baseline information, capacity building at the local level, awareness creation, and so on. It is fortunate that Tanzania can draw on past experience with this process, undertaken in various parts of the country with the support of several donor agencies, as the WPT is put into effect.

Dr. Felician B. Kilahama in the fourth keynote presentation drew on his experiences as Principal Forest Officer and Farm Forestry Advisor to the East Usambara Catchment Forest Project. His presentation directing everyone's attention to conservation and sustainability issues in forestry sector, He took note of the severe imbalance that has been struck at times between the public sector's extensive claims on natural resources and the

government's actual capacity for management. Inevitably, Dr. Kilahama argued, this creates severe conflicts with local peoples. Moreover, the environmental knowledge they have acquired over time is, at the very least, not harnessed as effectively as it should be and, at worst, lost entirely.

Dr. Kilahama reminded the roundtable audience that the challenge and opportunities of CBC are of relevance outside of the wildlife sector. His project, which features on-farm forestry, is an interesting attempt to manage natural resources in cooperation with, not in opposition to, local communities. He also stressed the need for integrated, holistic, and multidisciplinary ecosystem management. However, this approach is frustrated in Tanzania by the lack of inter-institutional coordination and communication, an issue that was on several occasions during the roundtable.

The fifth keynote presentation, which was made by the roundtable facilitator, focused on the NCA. The area was established in 1959, when it was separated from the rest of the Serengeti National Park. Within its borders, which enclose 8292 square kilometers, are various resources of enormous importance, including water catchments, fossil evidence of early human beings and their ancestors, and of course wildlife. The NCA is also the home of pastoral Maasai. The NCA is a unique "protected" area in Tanzania because it allows multiple land uses. Inevitably, this put more demand on CBC and the active participation of local communities.

Interactions between the NCA and local communities have consisted largely of law enforcement operations, such as the control of poaching and the eviction of non-resident Maasai. However, a consensus is emerging that there is no long-term future for the NCA and its wildlife if antagonisms continue. With the resident population growing larger and becoming more sedentary as time passes, special emphasis is being placed on involving them in soil, water, and forest conservation and in sharing the benefits of tourism and other economic activities with them. Livestock production is also being supported through animal disease control, extension, pasture improvement, and improved marketing. A Pastoral Council has been established to facilitate these efforts. The Pastoral Council is collaborating with other local institutions.

Throughout the roundtable, the topic of land tenure came up repeatedly. Ibrahim H. Juma, who gave the sixth, and last, keynote talk, surveyed current land rights issues, with a strong focus on pending legislation. For example, the Land Act proposed in 1998 would allow villages that are registered and that have assemblies and councils, as stipulated by the Local Government Act of 1982, to be granted title to all their lands; village authorities would be free to issue subtitles (i.e., customary rights of occupancy) to individuals. The Commissioner of Lands would administer all other lands, including those of unregistered villages. Of course, government would retain control of protected areas, forests, and other properties.

Mr. Juma pointed out that the creation of WMAs adds to the impetus for officially recognizing customary tenure, as contemplated by the 1998 Land Act. He also expressed uncertainty about how the "reserved lands" of WMAs are to be integrated into the village

lands scheme, or alternatively how that scheme is to be reconciled with WMAs. Mr. Juma urged that the WPT take stock of existing legislation having to do with land and other resources. He also reviewed historical and legal precedents that shed light on how this can be done.

As a number of presenters and members of the roundtable audience had stressed, resolving tenure issues of the sort highlighted by Mr. Juma is vital for establishing the local proprietary interests required for successful CBC. If communities' ownership of resources continues to be uncertain, the prospects for CBC, and indeed of wildlife and other resources, are unlikely to improve.

Before dividing the roundtable's participants among four working groups, a final presentation was made. Mr. Metcalfe sensed that the policy and institutional choices currently facing Tanzania are very similar to those with which Botswana has wrestled in recent years. Accordingly, he asked for, and was given, a few minutes to talk about a paper, which had been distributed to the participants, by Debbie Peake about the latter country's experiences with CBC.

Because of low population density and limited prospects for agricultural development, trophy hunting is becoming an important economic activity in Botswana. In addition to outlining current policies and institutional arrangements, Ms. Peake, chair of the Botswana Wildlife Management Association (BWMA – a private sector organization), emphasizes that local communities' land rights are fairly secure, which greatly enhances the prospects for rural economic progress based on sustainable trophy hunting. The situation is quite different, she adds, from what one finds in Zimbabwe, where district councils, rather than local communities, have legal standing.

Ms. Peake points out that the success of Botswana's trophy hunting industry and its continued growth rests on a strong partnership with empowered local communities.

3. Synthesis of Discussions Following Paper Presentations

Paper by S. Metcalf on “Community Based Conservation Experiences in Southern Africa”

Discussion

There are other policies e.g. forestry, minerals and sometimes these can conflict with each other e.g. in Tanzania, the Commissioner of Minerals can grant mining concessions in a Protected Area (PA). Participants wanted to know what is the situation in Southern Africa. There are problems and new initiatives too in Zimbabwe; e.g. local communities and districts are pushing hard for granite royalties.

There was also interest to know how “community” was defined in Zimbabwe. In Zimbabwe, the community is based on land holding communities, i.e. the community as a user of local resources. A situation is evolving where the separation between the producer and consumer groups is taking place.

The ownership rights of the community are still not very clear. As to who owns wildlife, in legal terms it is difficult. The state ‘assumed’ ownership and therefore the state is the ultimate responsible authority. Even in the case of private ownership, it is conditional. In Zimbabwe, some people own wildlife, can these be defined as CBC initiatives? The answer was no.

Paper by M. Zacharia on “Community Conservation and the Wildlife Policy”

Discussion

It was emphasized that despite the fact that the Wildlife Policy was launched (1998), it may still need to be fine-tuned, and the relevant authorities will need assistance to operationalize it.

A large number of CBC initiatives/projects, are emerging, and now Wildlife Management Areas (WMAs) are being proposed but this is happening while there does not appear any move to review the Wildlife Conservation Act. This may give rise to some conflicting issues and bottlenecks in operationalizing e.g. WMAs. Following the launch of the Policy, the process of reviewing the Wildlife Conservation Act is commencing. It is expected that this process will be a consultative one and that all stakeholders will be involved. The target set is to have it ready by the year 2000.

When the Wildlife Policy was being prepared, it was based on experiences derived from a range of pilot projects country wide e.g. among others the experiences from the Ugalla Game Reserve.

Concern was raised about the role of the larger international NGOs, which seem to have a larger focus and different sets of priorities from local NGOs and the way that GoT appears to focus more on the concerns of the larger international NGOs. It was emphasized that the Wildlife Policy needs to recognize the expansive role of the people and local NGOs.

It was questioned as to what type of participation that the Wildlife Policy adopted. Often bureaucrats would prefer to take the least difficult approaches, which does not necessarily mean that they are the most effective ones. In this case it is recognized that to make the CBC more effective, the ideal forms of participation would have to be adopted.

The objectives of the CBC in the Wildlife Policy are laudable. However, sometimes it may be difficult to get communities, which are aware of the opportunities available in CBC, involved. It will be more difficult if they have a negative attitude. These are areas of concern and which we would like discussion to focus on. However, some of the concerns raised are dealt with in the Wildlife Policy document.

Current conservation laws are too harsh on the people and seem to favour animals. What do people do when animals destroy their crops? How does the policy/conservation law address this issue? If an animal destroys a farmer's crops, the farmer is at liberty to kill it and then report the event.

The definition of the Wildlife Management Areas (WMAs) (on p.35 of the Wildlife Policy) is contradictory and appears to be based very much on colonial conservation thinking. Should it not be that the WMA is identified first by the villagers and declared later by the Minister. It was pointed out that the CBC process in the Wildlife Policy was not static and out of date, instead it can and should be reviewed and lawyers have a role in doing so, i.e. modify and improve the document to suit appropriate conservation and CBC requirements.

Urged participants to review the Policy, holistically and not simply line by line or by definition. It should also be noted that the Policy is expected to act with other policies, laws and procedures in the country.

Paper by I. Ndunguru on “Wildlife Protected Areas and Implementation of Community Based Conservation in Tanzania”.

Discussion

Some skepticism was raised about rushing to changing the law. However, before thinking of drafting new legislation, one needs to question the use of existing legislation e.g. the 1948 law on fauna and flora.

Noted that the WD is actually managing an ecosystem. Local people wish to see a system approach rather than a sectoral approach.

Concern was also raised that, as we think of the way forward, we need to learn from the pilot projects. What has succeeded and what has not. The proposed structure at the WD and the proposed legislation stand to gain from experiences from different areas and approaches. It was emphasized that there is need to take stock of the detailed experience from different protected areas e.g. Ngorongoro, Serengeti, Maswa, Selous, etc.

It was observed that there were both successes and failures. Others, for example, see some ongoing CBC programmes in protected areas following passive forms of approaches of local participation. On the other hand, the WD wishes to pursue community-based conservation, which is pro-active. Local communities should take lead in the process; perhaps the best approach would be a cocktail of different types to suit local conditions.

The approach of fragmentation in the management of natural resources is perceived to be a problem. For example, Uganda has done away with such fragmentation by having one authority to manage wildlife. Yet the Tanzanian Wildlife Policy still seems to favor fragmentation.

It was clarified that government policy is not for amalgamation, but actual management may change to achieve amalgamation.

How will the proposed wildlife management strategy be linked to the new local government structure? In a situation where one is working with a bottom-up approach, why should one be much worried about structure?

It was clarified that the department does not want to allow communities to think only in terms of money and not conservation.

It was cautioned that people should not be too theoretical while talking about local communities. Insights from different projects are needed.

Government was urged to act fast on the issue of training for CBC. Money should be sent directly to local communities.

It was clarified that on going reforms e.g. local government reform and the ILFEMP in the VP's Office, are likely to significantly influence the way environmental management is going to be done. Participants were informed that the VPO was invited to the roundtable discussion but unfortunately nobody has turned up and there is no explanation. It was also noted that the Ministry of Local Government was invited and actually confirmed, but also nobody has turned up. Much concern was raised about the frequent non-attendance of the Ministry of Local Government in such important forum that clearly involves many aspects of local government.

Paper by Dr. F. Kilahahama on “Experiences of Local Community Participation in Community Conservation from the Forestry Sector in Tanzania”.

Discussions

It was emphasized that, as far as CBC is concerned, we can no longer afford to work in isolation. What is required is integrated natural resources management.

Agreed that the idea is acceptable. The problem is how to change attitudes. It must also be recognized that multi-disciplinary approach has its own problems. People want to protect their professions and sectors.

Noted that, in some cases, there are problems caused by donor's operating in one area not wanting to cooperate e.g. the case of East Usambara Catchment Forestry Project, which is funded by FINNIDA. While Irish Aid, which operates in the district but avoids the “FINNIDA area”. In such an instance, communities that sacrifice livelihoods are not ‘compensated’ by development assistance from another donor. The donor community must talk to each other. It is also the case that local people sacrifice a lot but they are not adequately compensated e.g. the case of one school being assisted in the area, which now has no teachers and no student was ever selected to go to secondary school. The benefits of conservation must exceed the costs.

It was clarified that some initiatives have been undertaken by the EU to coordinate donor activities. Also there has been some administrative restructuring as far as the Amani Nature Reserve is concerned. Village environmental committees are in place in Amani. It is a slow learning process, involving learning from mistakes.

Paper by Prof. A. S. Kauzeni on “Experiences in Community Conservation in Protected areas: The case of NCA”.

Discussions

Efforts being made on sharing the proceeds with local communities are commended, but the 25% share is considered inadequate. Devolution of responsibility does not make much difference to local people. It is suggested that the money be given to communities on 100% basis and let districts tax villagers on that income.

It was clarified that 25% is only one avenue of benefit sharing. There is also the Village Development Fund.

It was further clarified that the pastoral council was given 500 million TShs this year directly. A comparison of development activities inside and outside the conservation area shows great disparities. This encourages migration of people into the protected area. How long will this be allowed to continue?

It was pointed out that the paper had not touched on the conflict between NCAA and the local people on the southern fringes of the protected area.

It was clarified out that unsustainable harvesting of forest products has been taking place, particularly in the northern fringe. Therefore afforestation has had to be done.

It was further noted that, within the last 35 years, NCAA has lost about 10% of the area in the northern fringe.

Concern was raised about the criteria for deciding on 25% and the ensuring conflict between the local community and the district, on the one hand, and the between the district and the central government on the other. The question boils down to how tax money collected from citizens is being utilized. If CBC is to succeed, then people's efforts must be rewarded.

Four issues were raised regarding problems caused by pastoralists:

How representatives are the pastoral representatives in NCAA Board? Who nominated them, using which criteria? There are allegations that they are after allowances and not community's problems.

While cultivators are evicted from Ngorongoro, other pastoralists are coming in, some even from neighboring countries. While Iraqw people are not allowed in, the Maasai are allowed to move to other areas.

There is a tendency to blame cultivators for deforestation but even some Maasai area harvesting timber for commercial purposes, exporting to timber to Kenya. They also cause bush fires as they collect honey.

Therefore everybody should be monitored. We should take a historical perspective to the problem. Everybody should have the freedom move.

It was cautioned that it is necessary to hear from different stakeholder, including the management in order to get a balanced view. There is also need to differentiate between policy and its implementation. The issue is to assist local communities manage resources within their localities.

Paper by Mr. I. Juma on Law as a Basis of Wildlife Management Policy in Tanzania.

Discussions

The paper highlighted the fact that in the course of operationalizing the new Wildlife Policy, it had to taken into account the effects of two proposed Bills that were about to be enacted; especially the two Land Bills, i.e. the Proposed Land Act, 1998 (Bill) and Village Land Bill, 1998. These were likely to affect both the Wildlife Policy and any laws enacted to support the Policy.

Mr. Juma outlined laws on different Conservation Areas, Buffer Zones and Wildlife Corridors and expressed concern as to what would happen to customary tenures that occurred outside registered villages, and how these would interact with Wildlife Policy and Wildlife Laws. A range of conflicting Acts was traced chronologically and potential areas of conflicts were identified between the New Land Laws and issues of Customary Tenure. Deep concerns were raised about the historical conflicts between customary tenures and Wildlife Conservation would continue and those local communities would continue to face exclusion.

The worrying question that arises from the presentation is whether under these circumstances, can community based conservation really take off? A precondition is that for CBC to take off successfully it must be grounded on legality and finally in the course of operationalizing the Wildlife Policy, other extenuating factors must be taken into consideration e.g. local livelihoods and issues of poverty.

4. Group Presentations and Discussions

Group No.1 – Twiga Group

- a) The establishment of WMAs will benefit local communities directly.
- b) Districts will continue to collect fees from licensing.
- c) Districts can establish areas of utilization that can benefit them directly.

On Policy Issues For Effective CBC

- a) Now this official document guides the whole process
- b) It addresses most key issues pertaining to CBC
- c) When reviewing the Wildlife Conservation Act (WCA), it is important that it should be clearly interpreted into legal terms

On Reconciliation Of Unique Conservation Values And Community Needs

In the course of doing this, it should be clearly identified whom the unique values are for. All the planning processing should include local communities, e.g. this can be done through the formulation of appropriate General Management Plans (GMPs), MZP, Land Use Planning, requires consensus between the two sides (trade-off). Planning/activities should go beyond just the PAs; i.e. should include other community development activities

On Community Participation In Conservation

Enhance the involvement of communities as stakeholders in the management of wildlife and by ensuring effective participation and partnerships with rural communities and ensuring communities derive direct and indirect benefits from wildlife utilization – as outlined in pages 12-14, 16,18 in the Wildlife Policy of Tanzania (1988).

On How To Make Community Conservation Programmes Effective

- a) Through the interpretation of policies, laws, conventions, etc.
- b) Through promoting positive results/best practices and replicating them in other areas. Through a carefully guided learning process (see and learn)

On Extending Benefits To More Beneficiaries

- a) The establishment of WMAs will benefit local communities directly
- b) Districts will continue to collect fees from licensing
- c) Districts can establish areas of utilization that can benefit them directly

Other Issues

- a) Lack of specified institutional linkages
- b) Issue arising out of the New Wildlife Policy and its operationalization will demand immediate attention

Group No. 2 – Kifaru Group**Institutional And The Legal Issues On Organizational Setup Required For Facilitating CBC**

- a) The existing laws are silent on community participation
- b) There is no devolution of power
- c) Local communities are technically excluded from hunting
- d) There is no provision for benefit sharing
- e) There is insecure land tenure in WPAs
- f) Laws are not understood and are poorly enforced
- g) Laws talk more on liabilities and not incentives or rewards for conservation
- h) Laws do not allow subsidiary of functions
- i) Allows only for state ownership of resources – user rights vested in state officials
- j) Absence of clear organizational structure in the wildlife management sector
- k) Lack of coordination/communication, both vertical and horizontal
- l) Lack of line of command in relation to arms and ammunitions
- m) Low levels of awareness

Needs to critically examine existing structure that focuses on:

- i) external problems that affect communities that are adjacent to and within PAs
- ii) how the structure would solve problems
- iii) the harmonization of functions
- iv) facilitating more co-ordination and linkages
- v) having no amalgamation
- vi) being gradual with transitory stages
- vii) being dynamic and more predictable

Group No. 3 - Mninga Group

The Role Of International Organizations In Relation To Wildlife Resources And Community Participation On International Conventions

- a) Urge government to ratify relevant international conventions
- b) Facilitate/support the implementation of the conventions
- c) Providing technical advice in the implementation of the conventions
- d) Facilitate awareness to local communities

On Reconciliation Of The Needs Of International Organizations, National Agencies And Local Communities

- a) Through the establishment of CBC networks & forum
- b) By supporting special events e.g. bringing together different stakeholders to talk about specific issues related to CBC
- c) Facilitating a reconciliatory role in areas of conflict e.g. among communities, local authorities and other stakeholders
- d) Lobbying international stakeholders to arrive at acceptable solutions

Group No 4 - Chui Group

Social Issues And The Role Of The Private Sector And Local Communities In CBC On The Role Of Local Communities In CBC

- a) To participate effectively in the conservation and sustainable utilization of the resources
- b) To provide areas for CBC and assist in establishing WMAs
- c) Share and use indigenous knowledge for CBC
- d) Cooperate and collaborate with other stakeholders in facilitating CBC
- e) Establish and support an institutional framework at the village level for facilitating the management of land and related natural resources
- f) To ensure that benefits derived from CBC activities are utilized to support community development
- g) To participate in the planning process

On The Role Of The Private Sector In CBC

- a) To invest in the wildlife conservation industry while taking into account communities priorities, needs and roles
- b) To develop partnerships with the communities over the long term
- c) To participate in the CBC planning process

- d) Create commercial value to NR recognized by contractual agreement
 - e) To recognize the limitations of community participation while recognizing community values and traditions
 - f) Actively involve communities in commercial opportunities (e.g. equipment)
 - g) Support capacity building (e.g. training of village game scouts)
 - h) Provide communities with equitable benefits/revenue
- Private sector should fulfill the contractual obligations

On Constraints For Local Community To Participate Effectively

- a) Inappropriate institutional, legal and policy framework for CBC
- b) Inappropriate organizational set-up
- c) Inadequate coordination among local groups
- d) Personal interests overriding community needs
- f) Ineffective mechanisms for sharing benefits
- g) Lack of transparency and inadequate accountability of local institutions
- h) Inadequate application of the results of research that identifies the range of conditions in which CBC might succeed
- i) Inadequate guidelines on CBC
- j) No economic analysis of wildlife utilization compared with alternative resource uses
- k) CBC conceived almost wholly in the context of donor funded projects heavily dependent on external funding
- l) Government unwilling to devolve real responsibility and power to local communities
- m) Local institutions far from democratic and consequently benefits are not likely to be distributed equitably
- n) Benefits do not exceed the costs of conservation
- o) Inadequate incentives to implement CBC
- p) Some communities see wildlife as secondary resource, second to crops, livestock, timber etc.
- q) The issue of land/resource tenure very hazy
- r) No laws pertaining to WMAs
- s) NGOs and donors imposing their own agendas/priorities/preferences in CBC

On Social Problems That Inhibit Effective Local Participation In CBC

- a) Poverty
- b) Corruption
- c) Conflicting traditional values/taboos
- d) High population pressure on resources
- e) Agricultural encroachment, lack of land-use planning
- f) Attitudes towards conservation, past experiences (negative) and distrust
- g) Opportunism and exploitation
- h) Community identity
- i) Leadership problems
- j) Atmosphere of uncertainty

5. Highlights from Discussions of Group Presentations

Twiga Group: Policy and Operationalization Issues

There is need to go further into details of how benefits to communities must exceed costs. The strategies proposed seem to be very general. The issue is how to operationalize the policy.

Reminded that policy is, by nature, general. It has to be accompanied by instruments such as legislation, rules, regulations, guidelines etc. etc.

On benefit sharing, it was emphasized that villages should be allowed to retain 100% and later be taxed by the local government, instead of the present practice where the proceeds go to district councils.

Reminded that government was actually waiting for recommendations from various fora on best formula for benefit sharing. Noted that on p.19 of the policy document already provides for a strategy to share benefits. Principle of benefits exceeding costs was emphasized.

It was clarified that 25 % is based on game fees only. If one deducted other contributions e.g. to Wildlife Tourism Fund, at the end, district councils end up with 10%. In addition, the 25% is only an interim measure. The new strategy is to let villages get 100% of the revenues and later be taxed. In this regard, the department may put up a pilot study in a given area to test the workability of the strategy.

It was suggested that Wildlife Management Areas (WMAs) be organized as companies to capture revenues which at present go to District Councils. It was cautioned against taxing the proposed wildlife enterprises. Indeed, as new investors, they should probably be considered for tax holidays as the other new investors. However, it should be remembered that tax holidays could distort an economy. There is nothing wrong in equating foreign investors with local ones as far as tax holidays are concerned.

The example of benefit sharing for one of the MBOMIPA villages was narrated. During the first year, they distributed meat among themselves, but this was not adequate. Therefore, in the second year, they auctioned their hunting quota, earning 8million T Shs, out of which the District Council took 2 million. In the third year, earnings rose to 10 million.

It was cautioned that, the discussion should not confine itself to the issue of 25%. The real question is about empowerment of local communities. However we must come up with realistic recommendations. District Councils also need money to run other services.

Assured WD that the policy is good, what the roundtable is trying to do is to help the Division in thinking through the implementation. An open mind is required. Division should be assisted in forming a group to study the issue of taxation more thoroughly.

Kifaru Group: Institutional and Legal Issues

Clarification was required on whether local people are actually excluded from hunting, at which point it was clarified that the law specifies types of weapons that may be used in hunting. Since many ordinary villagers cannot afford to have such guns, they are technically excluded from hunting.

The group was advised to use benefit sharing which is much wider than revenue sharing.

On institutional recommendations, it was recollected that there are three parallel processes taking place e.g. ILFEMP, Local Government Reforms and Sectoral Initiatives. Agreed that land issue is the hub of all other organizational matters.

Need to learn from examples of improved communication, both horizontally and vertically.

Informed that villages that will establish WMA will be assisted with land use planning and acquisition of certificates of registration.

Expressed worry that the Director of Wildlife Division still has too much power.

Agreed that when CBC started in Tanzania, there was no model to learn from.

It is important to link CBC with the issue of accountability and transparency. Lack of civic education constrains accountability. Personal conflicts should not be raised to institutional. There is need for building the culture of planning and working together.

Mninga Group: The Role of International Organizations in Relation to Wildlife, Resources and Community Participation

Network forum should not only cover wildlife, but all natural resources.

Sometimes donor countries/organizations put up unfavorable conditionalities resulting into a dilemma. What do you conserve: wildlife or people to stay the way they are (culture).

Reminded that donors should assist government in its areas of priority. Need to motivate staff if CBC is to succeed. In addition, capacity building is necessary. However, we cannot change the international system. There are conflicts between local objectives and international objectives. It is easier for international objectives to go through than it is for local objectives to go through. In Zimbabwe, CBOs were weaker than NGOs but this situation was reversed after 4 years. Partnership between government, CBOs and NGOs is necessary to enable national interests to be taken into account when dealing with international organizations.

Reminded that Tanzania cannot delegate its policy-making responsibility. The role of international organizations is to provide lessons/ experiences from elsewhere to the country. Role of international organizations is to act as mediator in cases of disagreement between government and local communities e.g. the case of Rufiji Prawns Farming.

Chui Group: Social Issues and The Role of Private Sector and Local Communities in CBC

Inputs are needed on how communities should deal with mobile resources such as wildlife.

Dialogue amongst neighboring villages is part of the solution. At present, nobody is taking any initiative because they do not own the resources. It is necessary to create a unit at a higher than village level to coordinate activities of individual villages.

There is always a risk in empowering local communities, but the country must be ready to live with the consequences or deal with them constructively. Participation of local communities is important, but the question is what type of participation and at what level should it be. Local communities should establish CBOs as a way to ensure participation.

The culture of using scientific information and research results for decision making and management is at present a constraint. This should change.

Land tenure issues are critical.

Competition among NGO could be a constraint in CBC. Private should play a more active role in CBC.

6. The Main Follow-Up Issues in Operationalizing CBC in the Wildlife Policy

1. The need to fine-tune CBC aspects in the forthcoming Wildlife Law taking into account the recent and expected developments in related Acts e.g. Village Land Act, Local Government Reforms and the effects of macroeconomic policies and the role of the private sector in CBNRM
2. Legal support for WMAs and CBCs that involve utilization of natural resources
3. The Wildlife Division should develop and utilize different levels/approaches of participation for different CBC strategies
4. WD, to examine closely the implications of Village Land Bill 1998, and Land Act Bill, 1998 for WMAs and other CBC related activities. This is particularly true for activities that cross/share village land borders
5. Need to link up WD partners local and international to raise awareness of stakeholders on CBC programmes. Stress the importance of participation in the management of natural resources and create enabling conditions for the sustainable management of natural resources.
6. Dissemination of the policy to various groups in the country. It is necessary to translate the policy in Kiswahili so that more people get access to the policy. To create and disseminate a user friendly (condensed) version of the CBC aspects of the Wildlife Policy.
7. To define very clearly the roles of various institutions in CBC e.g. villages and WMAs, villages adjacent to PAs, private sector, local authorities, and WD.
8. Maintain regular contacts and discussions (forum) of various stakeholders from time to time on CBC as the operationalization of CBC is proceeding.
9. WD and others, should study closely the issue of benefit sharing in CBCs, e.g. work out a pilot study in an area to develop a basic formula for benefit sharing which can then be tuned for different categories (or situations) of CBCs.

Appendix 1

Opening Speech

Welcome Remarks by the District Commissioner, Bagamoyo District, Mr. Shelutete at the Opening of the Wildlife Policy Roundtable Discussion, Bagamoyo 25-26 January 1999

Mr. Chairman,
Workshop Facilitator
Invited Guests,
Distinguished Workshop
Participants,
Ladies and Gentlemen,

First, let me take this opportunity to welcome you to Bagamoyo, which you have chosen as the venue for the roundtable discussion on the new Wildlife Policy. I am particularly delighted to acknowledge the presence of representatives of USAID Mission in Tanzania, Mark Renzi from EPIQ Tanzania, Douglas Southgate from Ohio State University in the US and a fellow African, Mr. Simon Metcalf from Zimbabwe. To all of you, including my fellow Tanzanians, I say KARIBU to Bagamoyo. Despite your heavy schedule, I hope you will have some time to enjoy our clean beaches and the numerous historical sites, which have great significance for the history of our country.

I have learned that the main objective of your workshop is to digest the Tanzania Wildlife Policy which after a long time of waiting, came into existence in 1998. Within this policy, I note that there are 12 challenges to be addressed. However, I am informed that this particular workshop is focusing on just one, the involvement of communities in the conservation of wildlife both in and outside the protected area network. This is an area that has been of particular concern to myself for many years, and I am glad to be here to officiate the first attempt of experts within and outside the country who will try to operationalise this very important milestone in natural resources management.

Mr. Chairman and distinguished participants, the period leading to 1997, saw the emergence of the need for greater involvement of the people in natural resources management, especially local communities adjacent to or within the occurrence of wildlife resources.

For example, in the wildlife sector, some early signs of success appeared in the Serengeti Regional Conservation Strategy (SRCS) project and this showed both managers and the people what was possible and that benefits were there to be shared. In contrast in the Catchment Forestry Project, this was not the case. Perhaps this is because wildlife and

associated tourism activities tend to realize short term and larger benefits, compared to forestry activities, or perhaps it is more difficult to change attitudes of forestry officers. One commentator highlighted the difficulties of community conservation by stating that perhaps we should not expect too much in a situation where one day, the wildlife guard was pointing a gun at the villager to keep him or her out of the resource and the next day the same person is inviting them to assist in managing the same resource.

Experience has shown that, in most instances, the exclusion of the local community, contributed to management difficulties in natural resources, e.g. poaching, fires and other abuses coupled with high operational costs. Against such a backdrop, success would be difficult to achieve, and therefore a more viable alternative was urgently required. Such a situation led to the evolution of a policy regarding the management of wildlife resources. The post independence tools for environmental protection were rooted in colonial policy, which aimed at protecting the resources from the people. The recent social, economic and political realities have led to the emergence of a different policy, that of working with the people rather than against them, instead of policing, co-managing resources with the people.

The Minister of Tourism and Natural Resources speech to the Bunge, in 1997 outlining the new goals and strategies of the Ministry regarding the major policy shift from working against the people to working with the people, noted the following priorities:

- To involve people in the conservation of natural resources, and wildlife. This concept aims at the importance of people's participation in the management and decisions concerning natural resources issues. The Ministry has recognized that the future success of natural resources conservation will depend greatly on the extent to which the government gives power to people on managing conservation and benefiting from such natural resources.
- To review policy and legislation concerning management or utilization of natural resources so that they are in concurrence with the main objectives. Changes in approach and attitude on conservation issues especially taking into consideration peoples' participation should be guided by the new trend. Such a situation raises the need for revising the policy and the legislation taking into account the changes in the country.
- To educate and mobilize people on the importance of environmental and natural resources conservation. Since many people contribute towards the destruction of environment and biodiversity due to ignorance of future impact, the Ministry believes that the awareness shall enable them to change their behavior and attitudes. The Ministry will use as many ways as possible to educate people on environmental and natural resources issues so as to get involved in the conservation and prevention of further damage.
- To undertake a non-destructive tourism industry which will safeguard environmental and tourist attractions. In order to make sure that this issue is being given due consideration, the Ministry has prepared a Tourism Master Plan with the objective of identifying all tourism activities.

These goals and strategies are also reflected in the new Wildlife Policy. This is a clear expression of government's wish to see that natural resources management practices have a greater involvement of the people. This is not an easy task, for we have the managers of the natural resources who are accustomed to the traditional, policing or if they were to involve the community it would be through the top-down approach – passive participation. In addition, we also have communities who have for long perceived the natural resources as not belonging to them. It is somebody else's - attitudes and practice on both sides have to change.

Now, there arise several important questions, e.g. how can these aspects of the Wildlife Policy be rationalized? What is the period for realizing the objectives set by policy? What are the central issues and the concerns of the managers of wildlife resources and those affecting the communities? How can old attitudes and practices be changed?

Mr. Chairman, Distinguished Participants,

After asking the above questions, the challenge which I see ahead of you is to find approaches and methods that should be used to involve communities in the conservation of wildlife resources. We have had a number of examples to draw experience from e.g. Selous, Serengeti and Maswa. However, we know that there are differences from area to area and from community to community, which should be taken into consideration. Looking at the list of participants, I have no doubt that you will rise to the challenge.

Mr. Chairman, Distinguished Participants,

Now let me take the opportunity to thank the organizers for inviting me to open this roundtable discussion. In particular, I would like to express gratitude to our colleagues the USAID Mission in Tanzania for funding this roundtable discussion. I now take this opportunity to declare this roundtable discussion open.

Appendix 2

Closing Speech

Closing Remarks by the Director of the Institute of Resource Assessment, Dr. E.K. Shishira at the Closing ceremony of the Roundtable Discussion on Wildlife Policy, Bagamoyo 26 January 1999

Mr. Chairman,

Workshop Facilitator,

Invited Guests,

Distinguished Workshop Participants,

Ladies and Gentlemen,

First and foremost, let me take this opportunity, on behalf of the Institute of Resource Assessment of the University of Dar es Salaam to thank you all for accepting the invitation to take part in the roundtable discussion on the Wildlife Policy as it relates to community-based conservation (CBC).

I also wish to thank the organizing committee for inviting me to officiate at the closing ceremony of this important workshop, which is a result of yet another joint collaborative effort between EPIQ - Tanzania and my Institute. To the EPIQ team, I say thank you very much for facilitating this dialogue and please convey our gratitude to the USAID for supporting this workshop. Indeed, roundtable participants will agree with me that we have witnessed the critical role played by partner international organizations in facilitating dialogue among stakeholders of wildlife and other natural resources of our country.

The main objective of the workshop has been to discuss the Wildlife Policy, which was approved in March 1998, focussing on the involvement of local communities in the conservation of wildlife resources. However the challenge at hand is how to operationalize CBC though we know that a number of CBC programmes have been operational even before this new policy was enacted. As a starting point, I think that this workshop has succeeded in bringing together the key partners and other experts who are in a position to kick-start the process. At least the dialogue has started, and it has to go on, to fine-tune the policy.

At this stage, I want to take a minute or two, to say something to the Wildlife Division. You are the custodians of the policy, although it may not be perfect, you have come a long way to producing what I consider to be a policy that can be operationalized. Moreover, you have been very professional and open to constructive criticism, but also educated some of us. This is a commendable step that you have taken and will set an example to others. Rest assured, in this endeavor, you are not alone.

I have noted that, from the eight papers presented, first you have benefited from the rich experiences of our Southern African colleagues. Secondly, you have obtained important insights into previous attempts at CBC in Tanzania before the existence of the new Wildlife Policy of 1998. Thirdly, you gained a critical insight into the legal and institutional complexities that the implementation of the wildlife policy is likely to encounter. The fourth area has been the important insight of the application of CBC in the forestry sector. The discussions arising out of these four areas converged upon four thematic topics e.g. policy and operationalization issues; institutional and legal issues; the role of international organizations in relation to wildlife resources and community participation. The fourth topic dealt with social economic issues, role of private sector and local communities in CBC.

The output of the group discussions and resolutions at the plenary session constitutes options that should be considered by both policy makers and implementers as a set of critical areas for further action. In this way the IRA and its strategic partner, EPIQ-Tanzania, have played their role as facilitators, and the various stakeholders have made their contributions. I expect that they are also ready to act on the policy where appropriate.

Let me, now; thank all the resources persons who have presented papers and all participants for active participation in the discussions. You will recall that at the outset of the workshop it was reiterated that operationalization of CBC is a process that requires continuous dialogue and feedback. Therefore let us maintain contact in all possible ways to allow this to happen.

Again I thank every body for their roles in this workshop. With these few remarks, I wish each of you a safe journey back home and declare that this roundtable discussions on Wildlife Policy is officially adjourned.

Thank you for your attention.

Appendix 3 Program

DAY ONE: 25th January 1999

Facilitator: Prof. A.S. Kauzeni

7.00 – 8.30: Breakfast

8.30 – 9.00: Registration

9.00: OPENING

Bagamoyo District Commissioner – Mr. P. Shelutete

9.00-9.10: Welcoming Note

Dr. F.C. Shechambo

9.10-9.30: Participants Introductions

9.30-9.45: Background to the Roundtable Discussion

Key Note Remarks

9.45- 10.10: Mr. Simon Metcalf: Community Based Conservation: Experiences from Southern Africa.

10.10-10.35: Ms. Miriam Zacharia: Community Conservation and The Wildlife Policy in Tanzania.

10.35-10.50: TEA

10.50-11.15: Mr. I.F. Ndunguru: Wildlife Protected Areas and the Implementation of Community Based Conservation Programs in Tanzania.

11.15-11.35: Dr. F. Kilahama: Community Based Conservation Program: The Experience of Forestry Sector

11.35-12.00: Prof. A.S.Kauzeni: Experience in Community Conservation in Protected Areas: The Case of Ngorongoro Conservation Area

12.00-12.25: Mr. I. Juma: Law as a Basis of Wildlife Management Policy in Tanzania.

12.25-12.40: Highlights and a Summary of the Keynote Papers
Dr. G. Jambiya
Arrangement for Group Discussions
Dr.G. Jambiya

12.40-13.45: LUNCH

13.45-16.00:	GROUP DISCUSSIONS Twiga Group: Policy and Operationalization Issues Kifaru Group: Institutional and Legal Issues Mninga Group: The Role of International Organizations in relation to Wildlife Resources and Community Participation. Chui Group: Social Issues and the Role of Private Sector and Local Communities in CBCs
16.00-16.15:	TEA
16.15-16.30:	Closing Day One
20.00-21.30:	Dinner with the Bagamoyo District Commissioner

DAY TWO: 26th January 1999

Facilitator:	Prof. A.S. Kauzeni
9.00	Announcements
9.00-10.40:	Plenary Discussion
9.00-9.20	Twiga Group
9.20-9.40:	Discussions
9.40-10.00:	Kifaru Group
10.00-10.20:	Discussions
10.20-10.40:	Mninga Group
10.40-11.00:	TEA
11.00-11.20:	Discussion: Mninga Presentation
11.20-11.40:	Chui Group
11.40-12.00:	Discussion
12.00-13.00:	Plenary and Synthesis of Important Issues. Workshop Resolutions. What Next? - Dr. H. Sosovele
13.00-13.15:	Closing: Dr. E.K. Shishira, Director IRA
13.15-14.00:	LUNCH

Departure

Appendix 4

List of Roundtable Participants

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